



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

**75 Hawthorne Street
San Francisco, CA 94105**

Via U.S. Postal Service and Electronic Mail
Certified Mail Receipt No. 7008 1830 0002 6279 5325
Return Receipt Requested

April 5, 2011

Mr. Mike Barr
Aspire Public Schools
1001 22nd Avenue, Suite 100
Oakland, CA 94606

Re: Aspire Public School, 1009 66th Avenue, Oakland, California – USEPA November 13, 2009 Approval of Polychlorinated Biphenyls' Cleanup Notification Under Toxic Substances Control Act – Request for Cap Modification

Dear Mr. Barr:

We appreciate Ron Goloubow's (Arcadis) March 31, 2011 letter¹ requesting on behalf of College for Certain, LLC a modification to the cap for soils contaminated with polychlorinated biphenyls (PCBs) required under the Toxic Substances Control Act (TSCA) regulations in 40 CFR 761.61(a)(7). On November 13, 2009, the U.S. Environmental Protection Agency, Region 9 (USEPA) approved with conditions the October 23, 2009 "*Toxic Substances Control Act Self-Implementing Cleanup Notification and Certification Former Pacific Electric Motors Facility 1009 66th Avenue in Oakland, California*" (Notification) prepared by Arcadis for Aspire Public Schools. That approval under 40 CFR 761.61(a) (self-implementing PCB cleanup) requires a cap be constructed at the entire Aspire site consistent with the requirements in 40 CFR 761.61(a)(7) for a concrete cap. Such a cap is required to be 6 inches thick.

In the attached letter, Arcadis is proposing a modified design for the rat slabs over which the schools modular buildings will be installed. These modified rat slabs are proposed as an alternate cap design for the portion of the site where the modular buildings will be located and such proposed cap differs from the concrete cap required in 40 CFR 761.61(a)(7). The proposed alternate cap (modified rat slab) is a 6-inch-layered cap that will be constructed atop 18-inches of cement-treated native soil contaminated with residual PCB levels. The 18-inch soil layer is underlain by native soils. The proposed alternate cap consists of a 4-inch thick layer of imported base rock atop the 18-inch cement treated soils and a 2-inch thick Portland cement concrete layer atop the base rock layer.

The purpose of the cap is to prevent exposure of human and ecological receptors to soils with residual PCB contamination. The 6-inch concrete cap approved on November 13, 2009 is a mitigation measure for soils at the site with residual PCB levels of 0.13 mg/kg (cleanup level) and levels of PCBs below 3 mg/kg in two specific areas of the site where the cleanup level could not be achieved. The modified cap will prevent receptor exposure

¹ Letter from Ron Goloubow (Arcadis) dated March 31, 2011 (Subject: "Proposed Toxic Substances Control (TSCA) Cap for Modular Buildings – Former Pacific Electric Motors Facility, 1009 66th Avenue, Oakland, California") to Carmen Santos (USEPA Region 9).

Mike Barr
Re: Aspire Public Schools – Cap Modification and
Modification of USEPA's November 13, 2009 Approval Letter
Date: April 5, 2011

to residual PCBs in soils since all soils at the Aspire site will be capped and no soils will be left exposed. Rain water infiltration should be minimal through the upper 2-inch concrete layer of the cap.

We are approving the proposed design for the alternate cap (modified rat slab) under the TSCA regulations in 40 CFR 761.61(c) (risk-based cleanup option). We believe this alternate cap is still protective of human health and the environment provided that required maintenance and repairs are conducted as required in Condition 9 of the November 13, 2009 approval. The rat slab is a portion of the site-wide cap required for the Aspire site in USEPA's November 13, 2009 conditional approval of the October 23, 2009 Notification of PCB cleanup at the Aspire site. This approval modifies a portion of the site-wide cap required in Condition 8 of USEPA's November 13, 2009 letter. This approval does not modify Condition 9 in USEPA's November 13, 2009 Notification approval that requires maintenance and repair of the cap in perpetuity. The requirements in Condition 9 are equivalent and consistent with the requirements in 40 CFR 761.61(a)(8).

We look forward to being of assistance to College for Certain LLC during implementation of the work remaining in the Notification as modified by the conditions of approval, construction of the rat slab, and review of future modifications that College for Certain, LLC may propose to portions of the cap not addressed in this modification of USEPA's November 13, 2009 approval letter. Please call Carmen Santos of my staff at 415.972.3360 if you have any questions concerning this letter.

Sincerely,

Jeff Scott, Director
Waste Management Division

Enclosures (1)

Cc: Ron Goloubow, Arcadis
Michael Rueda, Pacific Charter School Development
Arlene Kabei, USEPA R9
Steve Armann, USEPA R9
Carmen Santos, USEPA R9

MAIL CODE	W5T-5					
SURNAME	CSantos					
DATE	04052011					

U.S. EPA CONCURRENCES

OFFICIAL FILE COPY



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Via Electronic and U.S. Postal Service Mail

Mr. Tim Simon
Head of Facilities
Aspire Public Schools
1001 22nd Ave
Oakland CA 94606
tim.simon@aspirepublicschools.org

Subject: Toxic Substances Control Act Polychlorinated Biphenyls, U.S. EPA Region 9 Cap Modification Approval for Aspire Public School, 1009 66th Avenue, Oakland, California

Dear Mr. Simon:

Thank you for submitting the plans to modify the existing cap at the Aspire Public School in Oakland, California to add a gymnasium to the school. Such plans are the subject of this approval. The proposed cap modifications, as conditionally approved below, will allow College for Certain, LLC (CFC) to construct Building 300 (Gym). The existing cap, which covers most of the 2.5-acre school site, was constructed to prevent human and ecological receptor exposure to polychlorinated biphenyls (PCBs) remaining in soils beneath the cap. The U.S. Environmental Protection Agency Region 9 (EPA) required the existing cap in its approvals for cleanup of PCBs at the school site.¹

EPA is approving with conditions (Approval) the "*CAP Modification Plan for the Former Pacific Electric Motors Facility 1009 66th Avenue, Oakland California*" (Plan) and "*CAP Modification Plan Addendum for the Former Pacific Electric Motors Facility 1009 66th Avenue, Oakland California*" (Addendum). The Plan and Addendum (collectively, the Amended Plan) are dated October 17 and December 2, 2014, respectively.² EPA is approving the Amended Plan, under the Toxic Substances Control Act regulations for PCBs in 40 CFR 761.61(c) (risk-based cleanup). EPA approved the original existing cap consistent with that paragraph. Enclosed is ARCADIS December 19, 2014 e-mail message summarizing changes to the Plan and reflected in the Addendum.

¹ EPA's approval for cleanup of PCBs at the Aspire Public School site is dated November 13, 2009. EPA's approvals dated April 5 and June 16, 2011 approved the cap. The Aspire school site was previously the location of the former Pacific Electric Motors Facility.

² ARCADIS prepared the Plan and Addendum on behalf of CFC and Aspire Public School. Representatives from EPA, Aspire Public Schools (on behalf of CFC), and ARCADIS discussed the Plan and the Addendum via several conference calls.

This Approval modifies Condition 8, Cap (protective barrier), in EPA's November 13, 2009 Approval to allow penetration and alteration of the existing cap in the specific location selected to construct the Gym. That Approval, which addressed CFC's PCB notification and cleanup plan for the former Pacific Electric Motors Facility, required a cap as a condition for site cleanup. This Approval does not modify (1) other conditions in the November 13, 2009 Approval and (2) EPA's April 5 and June 16, 2011 Approvals concerning the existing cap.

In general, the Amended Plan describes (1) changes that CFC will make to the existing cap (e.g., perforation and cutting a section) to facilitate pre-construction soil (native and cement-treated) sampling and construction of the Gym, (2) pre-construction soil analysis, (3) disposal of removed cement-treated soil and native soil, and (4) schedule of notifications to EPA related to the Building 300 construction. EPA is approving the Amended Plan with the Conditions established below. As approved, the cap modifications will not result in an unreasonable risk of injury to health or the environment; and the cap will continue to prevent exposure to residual PCBs in soils if inspected, maintained, and repaired in perpetuity.

EPA's Conditions of Approval – Modification of Existing Site-Wide Cap

- 1. Sample extraction before PCB analysis; and number of pre-construction characterization samples.** Each soil and cement-treated soil sample must be thoroughly homogenized by the laboratory before extraction of PCBs via EPA SW-846 Method 3540C (Soxhlet). EPA is approving 36 pre-construction discrete characterization samples to be collected of native and cement-treated soils.
- 2. Imported fill.** Any imported fill that may be used to replace soils removed from beneath the existing cap during construction of Building 300 must be sampled for PCBs consistent with Condition 1 (Imported Soil for Use at the Aspire Site) in EPA's June 16, 2011 Approval.
- 3. Cap modifications proposed in the Amended Plan. Building 300 (Gym) Construction.**
 - a.** This condition modifies Condition 8, Cap (protective barrier), in EPA's November 13, 2009 Approval. EPA is approving the cap modifications only at the location where Building 300 (approximately 9,000 square feet) will be constructed and as described in the Amended Plan. CFC must notify EPA within 30 days before implementation of any changes to the cap modifications described in the Amended Plan.
 - b.** After construction, the foundation of Building 300 becomes part of the existing cap and subject to applicable conditions in EPA's November 13, 2009 and April 5 and June 16, 2011 Approvals. Among other, those conditions require inspection, maintenance, and repairs of the cap in perpetuity; and a restrictive land use covenant (LUC) for the entire site. The cap (including the

Building 300 foundation) and LUC are to assure the protection of the school community and members of the public from PCBs in soils beneath the cap.

4. **Current status of existing cap before construction.** Consistent with Condition 9 in EPA's November 13, 2009, CFC must provide a report that documents the physical condition of the cap, including photos taken during the inspection. This report must be submitted within 30 days before construction of Building 300 commences.
5. **Compliance with this Approval and applicable regulations.** The Parties must comply with all the conditions in this Approval and implement the Amended Plan as modified by this Approval.

This Approval does not relieve the Parties and their consultants from complying with other applicable TSCA PCB and Federal regulations, or state and local regulations and permits. Departure from this Approval without prior written permission from EPA may result in revocation of this Approval. If additional information demonstrates that EPA cannot make a no unreasonable risk determination, EPA will modify or revoke this Approval. Nothing in this Approval bars EPA from imposing penalties for violations of this Approval or for violations of other applicable TSCA PCB requirements or for activities not covered in this Approval.

This approval does not cover other contaminants present in soils beneath the cap and vapor intrusion issues being addressed by CFC with the Alameda County Department of Environmental Health. This Approval does not cover or apply to the Building 300 design, structural features, and ability of that building's foundation to properly support any estimated load(s) used to develop the building design.

We look forward to continue being of assistance to CFC, Aspire Public School, and ARCADIS on PCB matters associated with construction of the Gym. If you have questions about this Approval, please contact Carmen D. Santos at 415.972.3360 or via email at santos.carmen@epa.gov.

Sincerely,

Jeff Scott, Director
Land Division

Enclosure

Cc: Erica Kalve, ARCADIS
Jerry Wickham, ACDEH

MAIL CODE	LND-4-1	4-1	LND4			
SURNAME	CSantos	SPRMAN	dk			
DATE	01052015	11/5/15	01/10/15			

U.S. EPA CONCURRENCES

OFFICIAL FILE COPY



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

**75 Hawthorne Street
San Francisco, CA 94105**

Via U.S. Postal Service and Electronic Mail

June 16, 2011

Mr. Mike Barr
College for Certain, LLC - Aspire Public Schools
Chief Financial Officer
1001 22nd Avenue, Suite 100
Oakland, CA 94606

Re: Aspire Public School, 1009 66th Avenue, Oakland, California – USEPA November 13, 2009 Approval of Polychlorinated Biphenyls' Cleanup Notification Under Toxic Substances Control Act – New Request for Additional Cap Modification

Dear Mr. Barr:

This letter responds to Ron Goloubow's (Arcadis) April 25, 2011 letter¹ requesting on behalf of College for Certain, LLC additional modifications to the cap for soils contaminated with polychlorinated biphenyls (PCBs) required under the Toxic Substances Control Act (TSCA) regulations in 40 CFR 761.61(a)(7). On November 13, 2009, the U.S. Environmental Protection Agency, Region 9 (USEPA) approved with conditions the October 23, 2009 "*Toxic Substances Control Act Self-Implementing Cleanup Notification and Certification Former Pacific Electric Motors Facility 1009 66th Avenue in Oakland, California*" (Notification) prepared by Arcadis for Aspire Public Schools. That approval under 40 CFR 761.61(a) (self-implementing PCB cleanup) requires that a concrete cap be constructed at the entire Aspire site consistent with the requirements in 40 CFR 761.61(a)(7). Such a cap is required to be 6 inches thick.

In the attached letter, Arcadis is proposing an alternate cap design for the entire site-wide cap and excluding those areas of the cap where rat slabs will be constructed for the school's modular buildings. USEPA's April 5, 2011 approved the rat slab design that Arcadis had proposed in March 2011 and such design also modified the site-wide cap. The rat slab is a portion of the site-wide cap that USEPA required in its November 13, 2009 conditional approval of the October 23, 2009 Notification for the Aspire school site.

The additional cap modifications proposed in the attached Arcadis' April 25, 2011 letter and described in Figure 2 (Proposed Pavement Plan) of that letter differ from the cap requirements in 40

¹ Letter from Ron Goloubow (Arcadis) dated April 25, 2011 (Subject: "Proposed Toxic Substances Control (TSCA) Cap for Pavement Areas – Former Pacific Motors Facility, 1009 66th Avenue, Oakland, California") to Carmen Santos (USEPA Region 9).

Mike Barr
Re: Aspire Public Schools – Cap Modification and
Modification of USEPA's November 13, 2009 Approval Letter
Date: June 16, 2011

CFR 761.61(a)(7) and include landscape areas. Figure 2 also describes the soils that will be used to construct the proposed landscape areas; and those areas were not a feature of the original site-wide cap proposed in the October 2009 Notification consistent with the cap requirements in 40 CFR 761.61(a)(7).

We are approving the proposed design for the site-wide cap and landscape areas described in the attached Arcadis' letter under the TSCA regulations in 40 CFR 761.61(c) (risk-based cleanup option) with the conditions established below. This approval modifies the site-wide cap (excluding the rat slabs) required in Condition 8 of USEPA's November 13, 2009 conditional approval letter.

Conditions of Approval for Additional Site-Wide Cap Modifications

- 1. Imported Soil for Use at the Aspire Site.** Within 15 days after the date of this approval, please submit a summary of the sampling approach that Arcadis will use to collect samples of imported soils planned to be used at the Aspire site in the landscape areas and possibly at other areas of the site. This summary should also be submitted to the Alameda County Department of Environmental Health (ACDEH). The California Department of Toxic Substances Control (DTSC) "*Information Advisory Clean Imported Fill Material*," dated October 2001 or latest revision should be used as guidance in developing the required summary. PCBs in the imported soil must be below the site cleanup level of 0.13 mg/kg total PCBs as Aroclors. The levels of non-PCB contaminants must be below the criteria referenced in the Advisory as modified by recent criteria updates. Discrete soil samples must be collected instead of composite samples.

Within 10 days after Arcadis' receipt of the laboratory analytical results for the imported soil samples, please submit the laboratory analysis results to USEPA for review before imported soils are placed in the landscape areas designated in Figure 2 of the attached Arcadis' letter. This data must also be provided to ACDEH.

- 2. Proposed Landscape Areas.** As described in the attached Arcadis' letter, the proposed landscape areas will consist of an 18-inch layer of cement-treated site soils (bottom layer), a 10-inch soil layer (middle layer) from soils excavated at the site during trenching, and a 12-inch layer (top layer) of imported soils. According to Arcadis, the bottom soil layer contains PCBs at concentrations below the site-specific cleanup level of 0.13 total PCBs as Aroclors. The 10-inch native soil layer proposed to be added above the 18-inch cement-treated soil layer must be replaced with imported soils that have been tested as required in Condition 1 above. This requirement is based on the fact that soils derived from trench excavations at the site that have not been tested for PCBs and other non-PCB contaminants are proposed for use in the 10-inch soil layer for the landscape areas. Edible plants, fruits, and vegetables should not be planted in the proposed landscape areas.
- 3. Notification to Alameda County Department of Environmental Health (ACDEH).** The ACDEH must be notified of the proposed changes to the site-wide cap and inclusion of landscape areas in the cap design given the County's regulatory involvement with the Aspire site.

Mike Barr
Re: Aspire Public Schools – Cap Modification and
Modification of USEPA's November 13, 2009 Approval Letter
Date: June 16, 2011

- 4. Modified Site-Wide Cap.** Approval of the modified site-wide cap is only in context to the ability of such cap to prevent human and ecological exposures to PCB levels remaining at the site consistent with the cap requirements in USEPA's November 13, 2009 letter approving the Notification and the TSCA regulations. This approval does not cover structural issues related to the ability of the cap to properly support any estimated load(s) used in developing the cap design.

This approval does not modify Condition 9 in USEPA's November 13, 2009 letter conditionally approving Aspire's Notification. Condition 9 requires maintenance and repair of the cap in perpetuity and the requirements in that Condition are equivalent and consistent with the requirements in 40 CFR 761.61(a)(8).

We look forward to being of assistance to College for Certain, LLC during implementation of the work remaining in the Notification as modified by the conditions of approval; and to the construction of the site-wide cap as modified by the conditions of approval herein and in USEPA's April 5, 2011 approval letter. Please call Carmen Santos of my staff at 415.972.3360 if you have any questions concerning this letter.

Sincerely,

Jeff Scott, Director
Waste Management Division

Enclosures (1)

Cc: Ron Goloubow, Arcadis
Michael Rueda, Pacific Charter School Development
Paresh Khatri, Alameda County Environmental Health
Arlene Kabei, USEPA R9
Steve Armann, USEPA R9
Carmen Santos, USEPA R9

MAIL CODE	WS7-5	WS7-1				
SURNAME	Santos Carmen	Kabei				
DATE	06/16/11	6/17/11				

U.S. EPA CONCURRENCES

OFFICIAL FILE COPY